

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WILLIAM MORRIS,

Petitioner,

V.

03-CV-1428

GEORGE DUNCAN,

Respondent.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Victor Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

No objections to the Report and Recommendation and Order dated August 13, 2007 have been filed.¹ After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated

¹The Court notes that Report and Recommendation was sent by the Court Clerk to Petitioner's last known address at 88 Elizabeth Street, Albany, New York. Petitioner had until August 27, 2007 to file objections. See *dk.* entry # 26. On September 11, 2007, the Court received a request from Petitioner dated August 29, 2007 noting that he had received the Report and Recommendation and seeking an extension to file his objections. See *doc.* # 27. The requested extension was denied because Petitioner failed to offer any reasons why he did not request the extension within the applicable time period to file objections, as required by Fed. R. Civ. P. 6(b)(2). Id. The denial of the extension was also mailed to Petitioner's Albany address and was returned to Court as undeliverable. Petitioner's failure to keep the Court informed of his current address is a violation of Local Rule 10.1(b) and serves as an independent basis to dismiss the action pursuant to Local Rule 41.2(b).

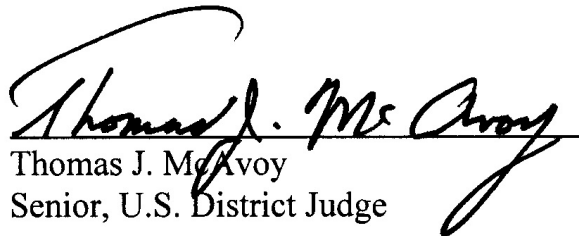
therein.

It is therefore

ORDERED that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**. Further, the Court finds there is no substantial question presented for appellate review, and, therefore, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

Dated: September 25, 2007


Thomas J. McAvoy
Senior, U.S. District Judge